

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM HARDMAN,)	CASE NO.
)	
Plaintiff,)	
)	JUDGE
v.)	
)	
U.S. POSTAL SERVICE,)	
)	<u>NOTICE OF REMOVAL</u>
Defendant.)	

Pursuant to 28 U.S.C. §§ 1441(a), 1442 (a)(1) and 1446(a), and 39 U.S.C. § 409(a), Defendant United States Postal Service (“USPS”) hereby removes this case from the Akron Municipal Court to the United States District Court for the Northern District of Ohio. Removal is based on the following grounds:

1. Plaintiff’s Complaint was filed on or about January 31, 2018, in the Akron Municipal Court and assigned Case No. 18CV00923. The Notice and Summons were sent to Defendant USPS on February 6, 2018, but Defendant USPS has not been properly served. Fed. R. Civ. P. 4(i). All defenses as to improper service are preserved. A copy of the initial pleading, summons, and the Akron Municipal Court docket sheet are attached hereto as Exhibit A.

2. No proceedings have transpired in this matter. The case is timely removed pursuant to 28 U.S.C. § 1446(b)(1) because the Notice of Removal was filed within 30 days of receipt by Defendant USPS of a copy of the initial pleading.

3. In the Complaint, the Plaintiff alleges that he sent, via U.S. mail, a package with unspecified contents on September 5, 2017. This package was lost and the Plaintiff alleges that he consequently lost \$3,112.60. Federal district courts, pursuant to 28 U.S.C. § 1346(b)(1), have exclusive jurisdiction over such claims and original jurisdiction pursuant to 39 U.S.C. § 409(a).

4. This cause may be removed from the Akron Municipal Court to the United States District Court for the Northern District of Ohio, pursuant to 28 U.S.C. § 1441(a), 1442(a)(1) and 39 U.S.C. § 409(a).

5. Notice of this removal will be filed with the Akron Municipal Court and served upon all parties, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant USPS hereby removes the subject action from the Akron Municipal Court to the United States District Court for the Northern District of Ohio.

Respectfully submitted,

JUSTIN E. HERDMAN
United States Attorney

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Attorney for Defendant
United States Postal Service

CERTIFICATE OF SERVICE

I hereby certify that, on March 1, 2018, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy of the foregoing has been sent via Regular U.S. Mail, postage pre-paid to:

William Hardman
2218 Lake Road
Akron, Ohio 44312
Plaintiff

/s/Marlon A. Primes
Marlon A. Primes
Assistant U.S. Attorney